

### **REMARKS**

Claims 2-4, 13 and 15-26 and 28 are pending after amendment, with claims 13 and 15-26 being withdrawn from consideration.

#### **Claim Amendments**

By this amendment, claims 1, 5-12 and 27 are canceled. Claims 2-4, 13, 15-18 and 28 are amended. Support for the listing of conductive powder resides at least at canceled claim 27, and page 19 of the specification. Support for the recitation of a planetary mixer resides at pages 10, 13 and 14 of the specification, as well as Example 14. No new matter is added by this amendment.

#### **Interview with Examiner**

Applicants thank the Examiner for the courtesy extended toward their representative during the interview of June 13, 2006. During the interview, those distinctions that exist between the claimed invention and the cited prior art were discussed. No agreement was reached regarding the withdrawal of the prior art rejection. The above amendments of claims 2 and 28 were also discussed, with agreement being reached that the amendment of the claims to change “to effect” to “to form” would overcome the outstanding rejection under 35 USC 112 (paragraph two) and the accompanying objection.

#### **Claim Objection**

Claims 2 and 28 stand objected to for the reason that the statement “so as to effect dry mixture” is grammatically informal. In response, claims 2 and 28 are amended to change the phrase “so as to effect dry mixture” with the phrase “so as to form a dry mixture”.

The objection is thus moot and should be withdrawn.

#### **Rejection under 35 USC 112 (paragraph two)**

Claims 2 and 28 stand rejected under 35 USC 112 (paragraph two) as not distinctly claiming the invention. This rejection is respectfully traversed.

In response, claims 2 and 28 are amended to change the phrase “so as to effect dry mixture” with the phrase “so as to form a dry mixture”. In view of this amendment, the rejection is believed to be moot and should be withdrawn.

### **Rejection under 35 USC 102(e)**

Claims 2-4 and 28 stand rejected under 35 USC 102(e) as being anticipated by Kobayashi ‘974.

In support of the rejection, the Examiner takes the position that the reference “teaches a method of making a battery active material by adding an active material together with a conductive material (10:35-60). The mixture is placed in a planetary ball mill, which inherently exhibits rotational and revolving motions (Fig. 5, 15:1-12). The mixture consists of 90 wt.% of active material and 5 wt.% of conductive material, where the respective sizes are 12 microns and 2 microns (25:33-50).”

In response, the claims are amended to state (1) that a planetary mixer is employed, (2) that a carbonaceous material powder mixture for electrical double-layer capacitors is prepared, (3) that activated carbon is the active material, and (4) that the electrically conductive powder is at least one selected from the group consisting of carbon black, Ketjen black, acetylene black, carbon whiskers, carbon fibers, natural graphite and synthetic graphite. The claimed invention is neither disclosed nor suggested by the cited prior art.

In Kobayashi, the active material contained in the electrode (b) is a composite material of two materials. The first is a material that contains at least one or more of carbon and metal elements having an amorphous phase and the specific properties determined by X-ray diffraction method, and the second is a material as an active material inert to materials other than lithium during the charging and discharging of a lithium battery.

The carbon materials are carbons having a graphite skeletal structure such as natural graphite, hardly-graphitized carbon, easily-graphitized carbon and the like.

The active material becomes electrochemically inert to substances other than lithium during the charging/discharging reactions of a lithium battery comprising elements and

compositions different from the crystalline starting material such as a composite material of crystalline natural graphite and tin.

The carbon materials of Kobayashi are different from the activated carbon and electrically conductive powder of the inventive powder mixture. Also, the active materials of Kobayashi are different from the activated carbon and electrically conductive powder of the inventive powder mixture of the inventive powder mixture.

As a result, the composite material of Kobayashi is different from applicants' inventive powder mixture.

Therefore, even though the composite material of Kobayashi may be prepared by rotating and revolving a planetary ball mill, the thus obtained material is quite different from the inventive powder mixture.

Accordingly, those skilled in the art cannot arrive at the present invention from the disclosure of Kobayashi.

The claimed invention is accordingly not anticipated by the reference, and the rejection should be withdrawn.

In view of the above, it is believed that the application is in condition for allowance, and an early indication of same earnestly is solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. (Reg. No. 43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

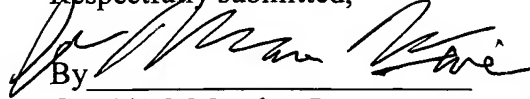
A check in the amount of \$120.00 is attached as payment for the requested one month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,



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